

Accessory Dwelling Units

Over the past decade, the state legislature has made several modifications to Gov. Code [§65852.2](#), progressively making it easier and less expensive for property owners to build accessory dwelling units, often called ADUs. This Info-Bulletin outlines the city's development requirements for new ADU construction that is consistent with state law, as of January 2021.

Considering the constantly evolving laws affecting ADUs, the CA Department of Housing and Community Development (HCD) publishes a useful [ADU Handbook](#) that provides information on the most recent and relevant changes to ADU laws. HCD's resource guide should be used as a supplement to this Info-Bulletin.



BACKGROUND

The state faces a serious housing problem that not only threatens its economic security, also the lack of access to affordable housing can have a direct impact upon the health, safety, diversity, and welfare of Carlsbad residents.

To retain a healthy livable environment and meet state mandated housing goals, more needs to be done to accommodate locally available and affordable housing stock. Unfortunately, no single housing program will be enough to meet housing demands.

Pursuant to Govt. Code [§65852.150](#), the state legislature found and declared that ADUs are an essential component of the state's housing supply and provide an alternative option to traditional

Documents Referenced

State law; [§65852.2](#) & [§65852.150](#)

HCD; [ADU Handbook](#)

HCD; [ADU Website](#)

Health & Safety Code; [§18010](#) & [§18009.3](#)

Carlsbad Municipal Code; [§21.10.030](#)

Residential Building Permit Application; [B-1](#)

Minor Coastal Development Permit; [P-6](#)

market-rate home construction. ADUs can be integrated into existing or proposed homes in a variety of ways, including converting a portion of an existing house, adding to the existing house, converting an existing garage, storage area, studio or other accessory building, or constructing a new detached structure. Development of ADUs offer many benefits, a few of which are reflected below.

Low Cost to Build

ADUs require no public subsidy and cost anywhere from \$10,000 for a simple bedroom conversion to \$200,000 for a higher-end companion unit.

Provides Income to Homeowners

ADUs help create a new income stream for property owners, which can help supplement mortgage costs on the main home.

Environmentally Friendly

ADUs have a low-carbon footprint, using less water, electricity, and construction materials. A detached ADU can save 26,000 pounds of CO₂ emissions a year compared to a single-family dwelling.

Flexibility for Changing Households

The makeup of today's household is rapidly changing. Many families are now made up of single/aging parents or extended families who do not require large living spaces. ADUs are often better suited to meet the living space demands associated with this new shift in family structure.



TYPES OF ACCESSORY DWELLING UNITS

ADUs have many different names --- granny flats, in-law units, backyard cottages, and secondary units just to name a few. Despite the name, an ADU is a residential dwelling unit that provides complete independent living facilities for one or more people. An ADU includes permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU may be attached to or detached from the primary dwelling, integrated into existing or proposed a single-family home or multi-family residences, or created by converting existing space such as a garage.

Development requirements for an ADU will vary depending upon where the unit is constructed on the property. More information about this is covered under the General Development Standards section of this Info-Bulletin. But before moving on to the standards, it is important to understand that not all accessory structures are considered ADUs and some structures must meet specific and unique standards to qualify as an ADU.

Junior Accessory Dwelling Unit



A Junior Accessory Dwelling Unit (JADU) is an ADU, but smaller in size with unique development standards; the

most significant being that JADUs must be located within the main single-family home with a separate entrance. An efficiency cooking area is required to be provided within the unit. It may include

independent sanitation within the unit or shared facilities with the existing residence. No additional parking is required for a JADU.

Guest Houses



A guest house, or accessory living quarters, is a type of accessory structure for the sole use of people employed on

the property or temporarily used by guests of the primary residence. Essentially, a guest house acts as an extra bedroom to the main home. As such, a guest house cannot include a kitchen or wet bar and cannot be rented or used as a separate dwelling unit.

Park Model Trailers



Park model trailers, sometimes referred to as "tiny homes," have been marketed as an inexpensive alternative to

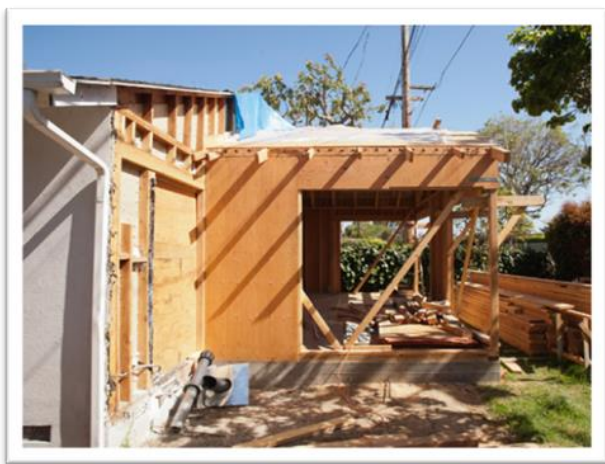
conventional ADU construction. Unfortunately, park model trailers are not designed for long-term habitation and not allowed for permanent use on private property. California Health & Safety Code [§18010](#) and [§18009.3](#) define park model trailers as **recreational vehicles**. While they may look more like a mobile (manufactured) home and less like an RV, park model trailers are not certified by HCD as meeting the minimum health and safety standards for permanent housing. However, the manufactured homes that you often find in a "mobile home park" are state HCD certified, and therefore can be used as an ADU.

GENERAL DEVELOPMENT STANDARDS

Per state law, permitting an ADU is limited to an administrative approval process --- no discretionary review, CEQA environmental analysis, or public hearings --- the city can only apply clearly defined objective development standards (e.g., parking

setback, size, height, landscaping). However, the applicable development standards that get applied to an ADU varies depending upon the type and location of the ADU proposed. This makes implementing state ADU law, challenging. The following sections have been created to help applicants navigate ADU development standards.

- Development Standards for ADUs
- Development Standards for JADUs
- Development Standards for Certain ADU Types
 - Multi-family ADUs
 - Mandatory-ADUs



Development Standards for ADUs

The following development standards apply to all ADUs, whether attached or detached.

- One attached or one detached ADU is allowed on a single-family lot; not both. Notwithstanding, a detached ADU and a JADU can both be on the same property.
- The property must have an existing main residence; or the ADU must be constructed concurrently with the main residence.
- ADUs shall comply with the construction standards of the California Residential Code for “Efficiency Dwelling Units.” Key building construction standards worth noting.
 - ADUs must have a separate entrance from the main residence.
 - ADUs must contain complete independent living facilities, including a permanent kitchen and areas for living and sleeping.

- New detached ADUs shall include the installation of a solar photovoltaic system.
- Fire sprinklers are not required for an ADU unless fire sprinklers were required when the primary home was constructed.
- ADUs shall comply with all applicable zoning code standards, with the following exceptions.
 - Detached ADUs that are >800 square feet in size or attached ADUs that are >800 square feet in size and >16 feet in height are subject to maximum lot coverage requirements. No ADU is subject to minimum lot size requirements.
 - Adequate water and sewer services shall be readily available; Upgrades to existing services may not be required.
 - Size requirements
 - Attached ADUs shall not exceed 50% of the total floor area of the existing main residence, or 1,200 square feet in size, whichever is less. This will not preclude a single-family residential lot from building an 800 sq. ft. ADU.
 - Detached ADUs are allowed up to 1,200 square feet in size depending on lot coverage allowances.
 - Height requirements
 - Detached ADUs are limited to one story and 16 feet in height, unless located above a detached garage then the 2nd story detached ADU must conform with the applicable height limit of the zone.
 - Roof decks are not permitted on detached ADUs.
 - Attached 1- or 2- story ADUs are subject to the limits specified under the applicable zone.
 - Setback requirements
 - Attached and detached ADUs shall maintain a minimum four-foot setback from rear and side-yard property line.
 - Front yard setback and required building separation requirements are

per applicable zoning standards and building code standards, respectively.

- Detached ADUs greater than 800 square feet shall maintain a 10-foot separation from main residence.
- Existing setbacks can be maintained for an existing non-conforming detached garage or existing accessory structure that is converted to an ADU.
- Setbacks for new ADU can conform to those of a legally demolished structure, provided that the construction of the proposed ADU is built in the same location and to the same dimensions.

○ Parking requirements

- One parking space shall be required, which may be located within the building setbacks or in an existing driveway as tandem parking.
- Notwithstanding, a parking space is not required for an ADU if the property meets any one of the following:
 - Located within ½ mile from public transit, which includes bus stops.
 - Located within an historic district.
 - Constructed as part of a proposed or existing residence or accessory structure.
 - Located within one block of a dedicated car share lot.
- Parking spaces do not need to be replaced when a garage, carport, or covered parking structure is demolished and/or converted into an ADU.

● Miscellaneous Requirements

- The exterior roofing, trim, walls, windows, and color palette of the ADU shall incorporate the same features as the main dwelling unit.
- ADUs shall only be rented for a term of at least 30 days. ADUs that were issued a building permit prior to Jan. 1, 2020 are exempt from this requirement.

- Pursuant to Civil Code [§4751](#) (a), private restrictions such as Conditions, Covenants and Restrictions (HOA CC&Rs) can no longer prohibit the construction and renting of ADUs. See the State's HCD [guidebook](#) for more information.



Development Standards for JADUs

The following standards apply to all JADUs.

- One JADU is allowed to be constructed within the walls of a proposed or existing single-family residence. Additions or modifications to an existing residence for the purpose of building a JADU are allowed.
- An ADU and a JADU can be constructed on the same lot when a detached ADU or ADU conversion is proposed.
- The property owner must occupy either the JADU or the main residence. In cases where both an ADU and JADU are constructed, the owner must live in one of the three units.
- JADUs shall comply with ALL zoning code standards applicable to the main residence, with the following exceptions.
 - The JADU shall be a maximum of 500 square feet in size.
 - No parking is required for a JADU
- JADUs shall comply with the standards of the California Residential Code, similar to the main residence. Key building construction standards worth noting.
 - An efficiency cooking area is required.

- A separate entrance from the main residence is required.
- An internal connection is optional unless a restroom is shared with the main residence in which case an internal connection is required.
- No separate water, sewer or power connection required.
- Fire sprinklers are not required for an JADU unless fire sprinklers were required when the primary home was constructed.
- **Miscellaneous Requirements**
 - The exterior roofing, trim, walls, windows, and color palette of the JADU shall incorporate the same features as the main dwelling unit.
 - JADUs shall only be rented for a term of at least 30 days. JADUs that were issued a building permit prior to Jan. 1, 2020 are exempt from this requirement.
 - Pursuant to Civil Code [§4751](#) (a), private restrictions such as Conditions, Covenants and Restrictions (HOA CC&Rs) can no longer restrict or prohibit the construction and renting of JADUs.

Development Standards for Certain ADU Types

Pursuant to Govt. Code Section 65852.2(e), the state established four categories of ADUs that are not subject to any other specified areas of ADU law, most notably zoning and development standards. However, ADUs authorized under this code section must still meet the building code and health and safety requirements. Because of overlapping similarities, the four categories have been combined into two ADU types: Multi-family ADUs and Mandatory-ADUs. ADUs meeting the limited standards described below shall be allowed.

- **Multi-family ADUs**
 - Non-livable space within existing multi-family structures may be converted into an ADU. Examples of areas that can be converted include storage rooms and garage spaces.
 - A minimum of one ADU is allowed in a multi-family structure; the maximum number of ADU allowed is equal to 25% of the number of existing multi-family units in

the structure. Fractional units are rounded down.

- Notwithstanding the first two bullets, up to two detached ADUs are allowed on a lot that has existing multi-family units so long as the ADUs maintain a rear and side yard setback of four feet and no taller than 16 feet in height.
- HOA authorization is required for ADUs proposed in multi-family condominium common areas.
- **Mandatory-ADUs**
 - The maximum size of the mandatory-ADU can be no more than 800 square feet.
 - The maximum height of the mandatory-ADU can be no higher than 16 feet per city building height calculation method.
 - The mandatory-unit shall maintain a minimum of four-foot side and rear setbacks, front yard setback per the zone.
 - Notwithstanding, one mandatory-ADU and one JADU are permitted per lot within the existing or proposed space of a single-family home, or a JADU within the walls of the single-family residence, or a mandatory-ADU within an existing accessory structure is allowed.



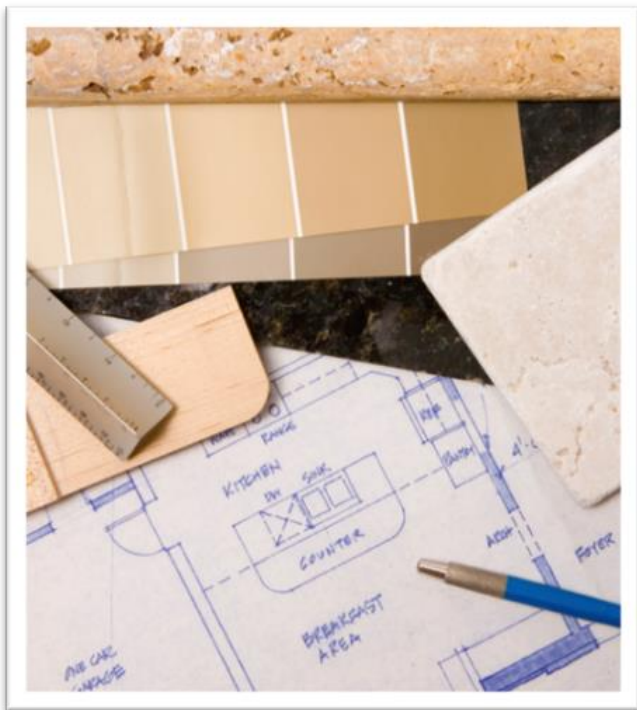
PERMIT PROCESSING STEPS

The section below provides the required permit applications and general processing steps to secure necessary approvals for an ADU, JADU, Multi-family ADU, or Mini-ADU (collectively referred in this

section as “ADUs”). The permit application submittal must include all required information in order for the packet to be accepted and processed.

Building Permit Application

- All ADUs are required to submit a residential building permit application and required supporting documentation ([Form B-1](#)).
- All ADUs proposed as part of a remodel/new primary dwelling unit shall follow the permit process timeline of the permit for the primary dwelling unit.
- The project site may require other types of permit approvals (apart from the ADU approval), depending on the existing and proposed site conditions. For example, if a retaining wall is needed at the side of the lot, this may require a structural load analysis. Please check with city staff for further information prior to submittal.



Coastal Development Permit Application

The following permitting steps shall apply to processing a CDP for projects within the Coastal Zone.

- All proposed ADUs located within the [California Coastal Zone](#) require a Minor Coastal Development Permit (MCDP) ([Form P-6](#)).
 - Exception: Attached ADUs and JADUs located outside of the Coastal Appeal Zone

only require approval of a building permit application (a MCDP is not required).

- A public hearing shall not be required to approve an ADU. Neighboring property owners will still be notified of the permit application pursuant to city code but permit approval will be done administratively by the City Planner. The City Planner’s decision can be appealed to the Coastal Commission.

Permit Application Fees

- All applicable plan check and inspection fees apply. However, no impact fees are charged for development of an ADU that is less than 750 square feet. There may be other “non-impact” fees by special districts or local agencies (e.g., plan check or inspection by the other agencies). Please contact those agencies directly.
- Impact fees for an ADU more than 750 square feet are charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., if you have a proposed 1,000 square feet ADU, and you have an existing 2,000 square foot primary dwelling unit, you would be charged 50% on an equivalent basis). For an ADU on a lot with a multi-family dwelling, the proportionality shall be based on the average square footage of the units within that multi-family dwelling structure.
- A new utility connection may be required, and connection fees and capacity charges are based upon either the ADU’s square feet or the number of its drainage fixture unit values, as defined by the California Plumbing Code. Utility connections and fees shall not be required for ADU/JADUs converted from the existing space of a home, including expansions of 150sf.

YOUR OPTIONS FOR SERVICE

For projects requiring a building permit, please contact the Building Division at 760-602-2719 or via email at Building@carlsbadca.gov.

For CDPs, please contact the Planning Division at 760-602-4610 or via email at Planning@carlsbadca.gov.

